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DUVERNAY RESPONDS TO TRUMP'S LATEST CENTRAL PARK FIVE COMMENTS

June 19, 2019



ATSUSHI NISHIJIMA/NETFLIX/TNS

Ava DuVernay is shown with actor Jharrel Jerome on the set of "When They See Us."

BY ASHLEY LEE

LOS ANGELES TIMES/TNS

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Ava DuVernay is not the least bit surprised that President Trump has doubled down on his stance regarding the men collectively labeled the Central Park Five, whose wrongful conviction in the 1989 rape and assault of Trisha Meili, and later exoneration, are recounted in the Netflix docudrama "When They See Us."

"It's expected," she said with a shrug on Tuesday night, after a Women in Entertainment and Writers Guild of America West screening in Hollywood. "There's nothing he says or does in relation to this case or the lives of Black people or people of color that has any weight to it. It's not our reality, there's no truth to it."

DuVernay — who created the limited series, and directed all four parts — made the comments in response to Trump's remarks earlier Tuesday, in which he refused to admit their innocence, or to apologize for placing full-page ads in four newspapers at the time that called for the executions of five teenagers of color: Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana and Korey Wise.

"You have people on both sides of that — they admitted their guilt," he told reporters at the White House. "If you look at Linda Fairstein and if you look at some of the prosecutors, they think the city should have never settled that case. So, we'll leave it at that."

TWEET LATER THAN EXPECTED

After DuVernay responded lightheartedly to moderator Jemele Hill's question about Trump — "I'm surprised it took so long, I was waiting every day to get a tweet!" — she asserted that the five men were always innocent, and are free today. Therefore, the focus should be "so much more than rage-tweeting back and participating in the negativity that's so unproductive."

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DuVernay responds to Trump's latest Central Park Five comments – Florida Courier
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"I wish I had a more juicy sound bite, but I don't care," she added, speaking alongside Robin Swicord and Attica Locke, who wrote episodes of the miniseries with DuVernay, Michael Starrbury and Julian Breece.

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"When They See Us" spans 25 years, beginning with the teens' first interrogations in 1989, featuring their 2002 exoneration, and culminating with the settlement reached with the city of New York in 2014.

Michael K. Williams, Vera Farmiga, John Leguizamo, Felicity Huffman, Niecy Nash, Blair Underwood and Joshua Jackson are among the ensemble cast.

FALLOUT FOR AUTHORITIES

The four-part Netflix project debuted on May 31 to critical acclaim and soon led to real-world fallout for the authorities involved.

Fairstein, the head of the sex crimes unit in the Manhattan district attorney's office at the time of the case, and who had prospered in her second career as a crime novelist, was dropped by her book publisher and her agency after a viewer-led petition went viral. (It currently has more than 200,000 signatures.)

She also resigned from her board positions at Vassar College and charitable organizations God's Love We Deliver and Safe Horizon.

Fairstein subsequently penned a Wall Street Journal op-ed calling "When They See Us" "a series so full of distortions and falsehoods as to be an outright fabrication. ... Ms. DuVernay does not define me, and her film does not speak the truth."

Similarly, Elizabeth Lederer, the lead prosecutor in the case, was fired

from her teaching post at Columbia Law School, after a petition by the Columbia University Black Students' Organization calling for her removal received nearly 10,000 signatures.

Students previously pressed the university to remove Lederer in 2013, without success.

Why are such steps of "restorative justice" only happening now, even though the Central Park Five were exonerated by DNA evidence and a confession from the true perpetrator in 2002 and were the subject of a well-received Ken Burns documentary in 2012?

WHY DOCUMENTARY RESONATES

Locke explained that this project in particular might be resonating with audiences to the point of demanding action because of its detailed exploration of gaslighting.

"We are living in a time of cognitive dissonance, which is how you have Linda Fairstein's ass talking all the stuff she's talking about," Locke said. "Lies [are] so easily bent to where you question your own sanity," she continued. "That's another reason why I think it resonates in this particular time: We are living in another time where we are being gaslit on a daily ... basis."

"This exact thing could happen, and things that are very similar to this are happening right now as we sit here," Swicord added.

DuVernay also shared that she has grown close to the five free men, texting them almost daily.

"They're all different, they're all beautiful, and they've taught me so much over the years," she said. "It's an honor to know them. It's a privilege."

ESSENCE COLUMN

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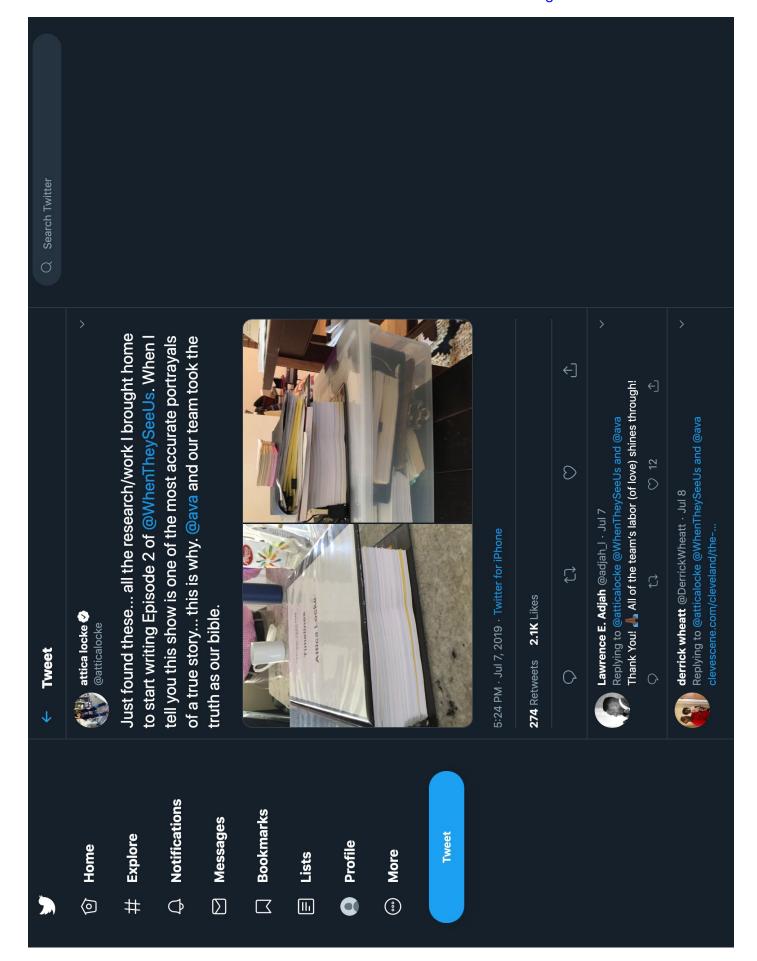
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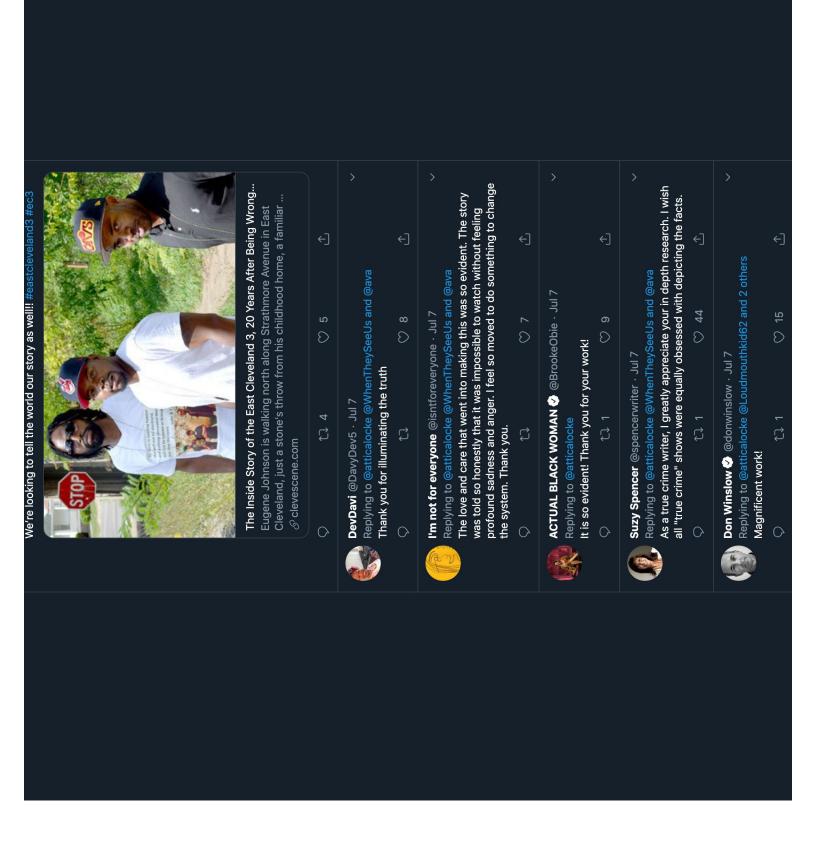
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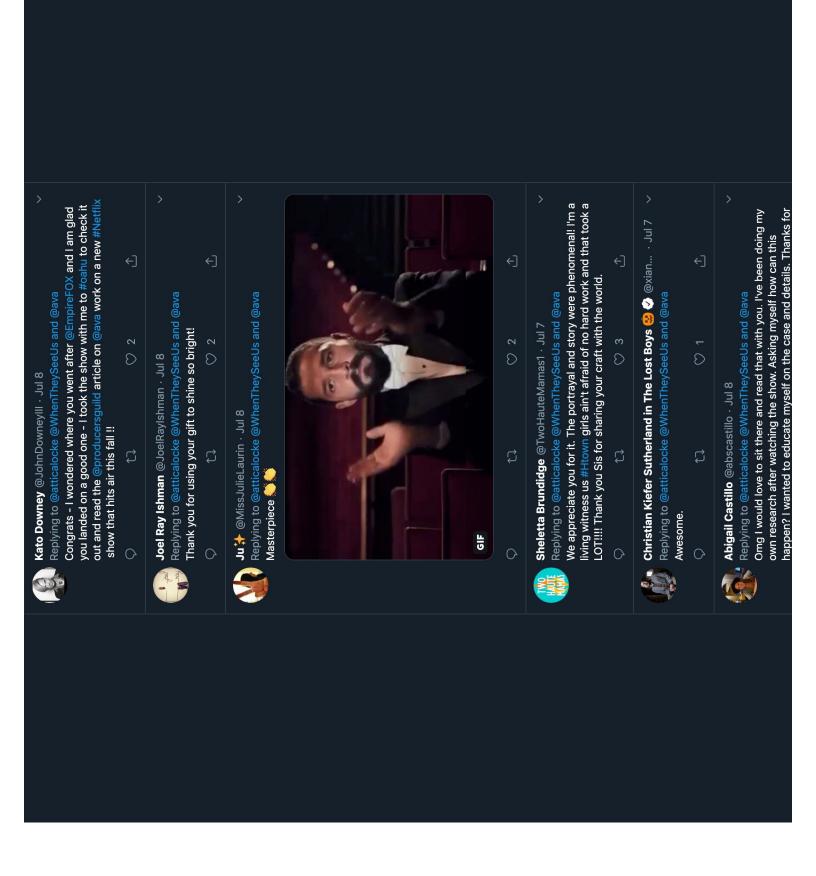


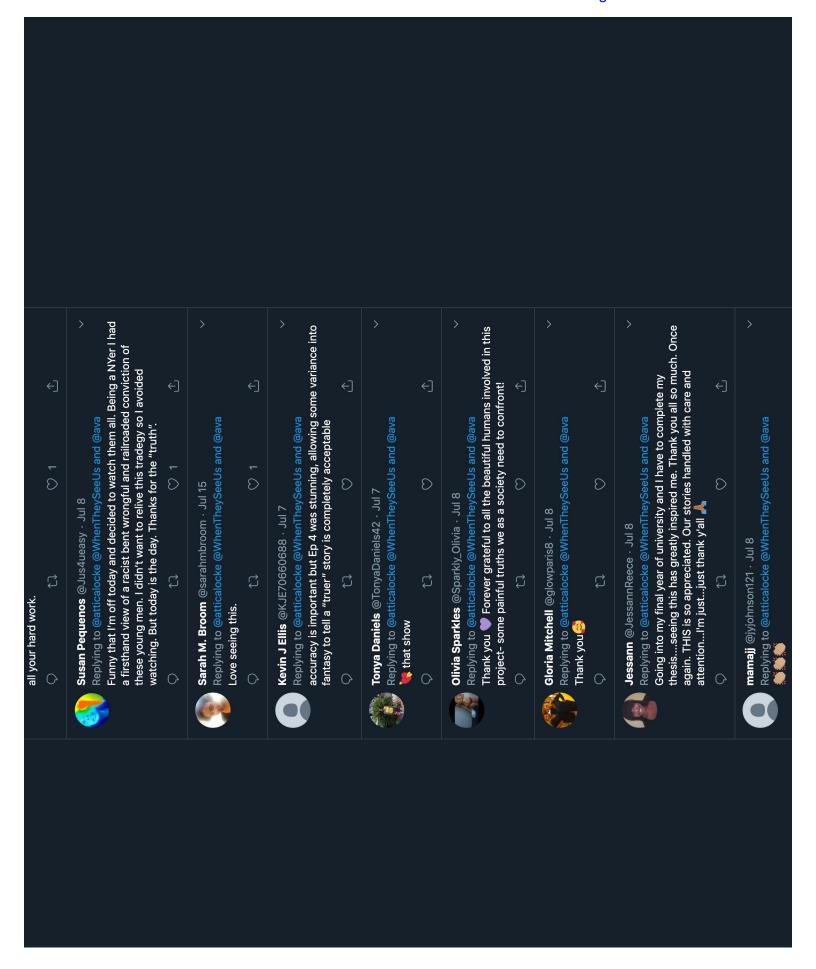


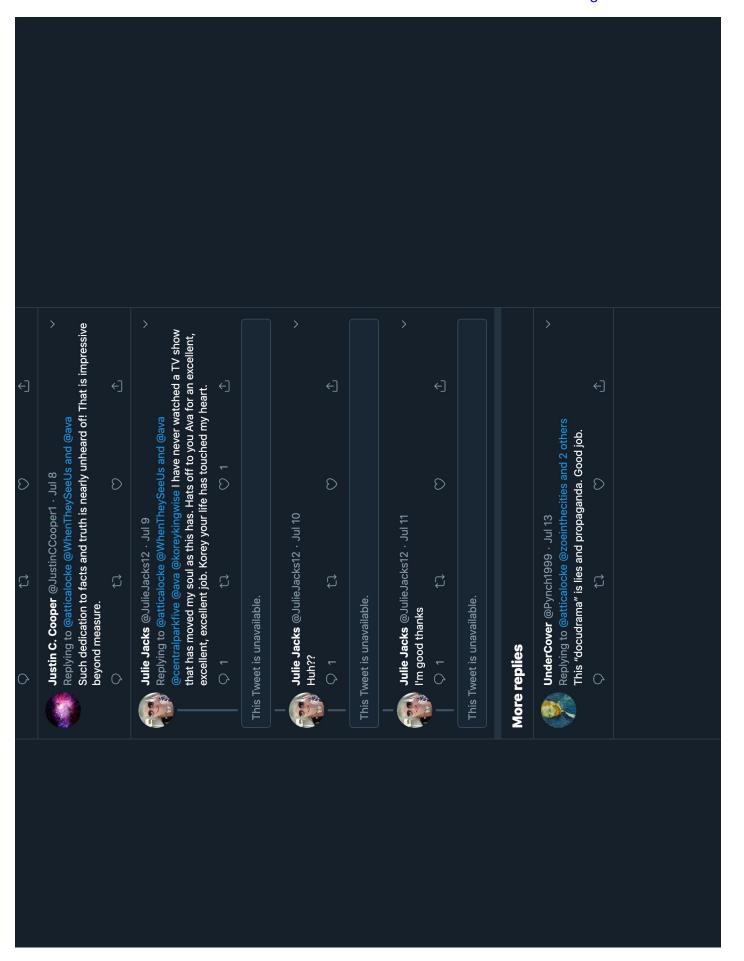














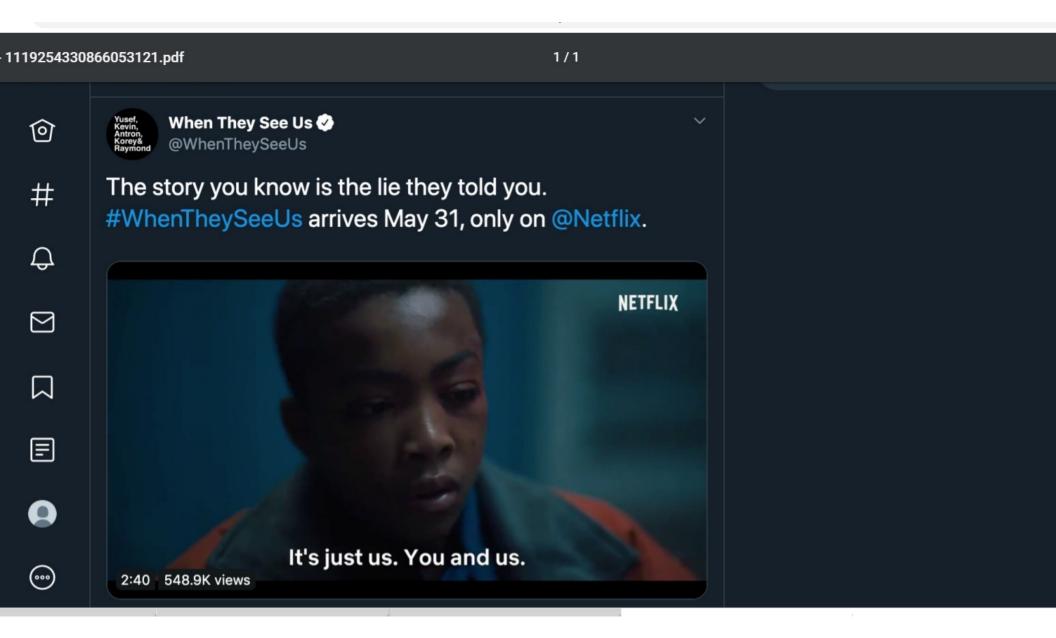
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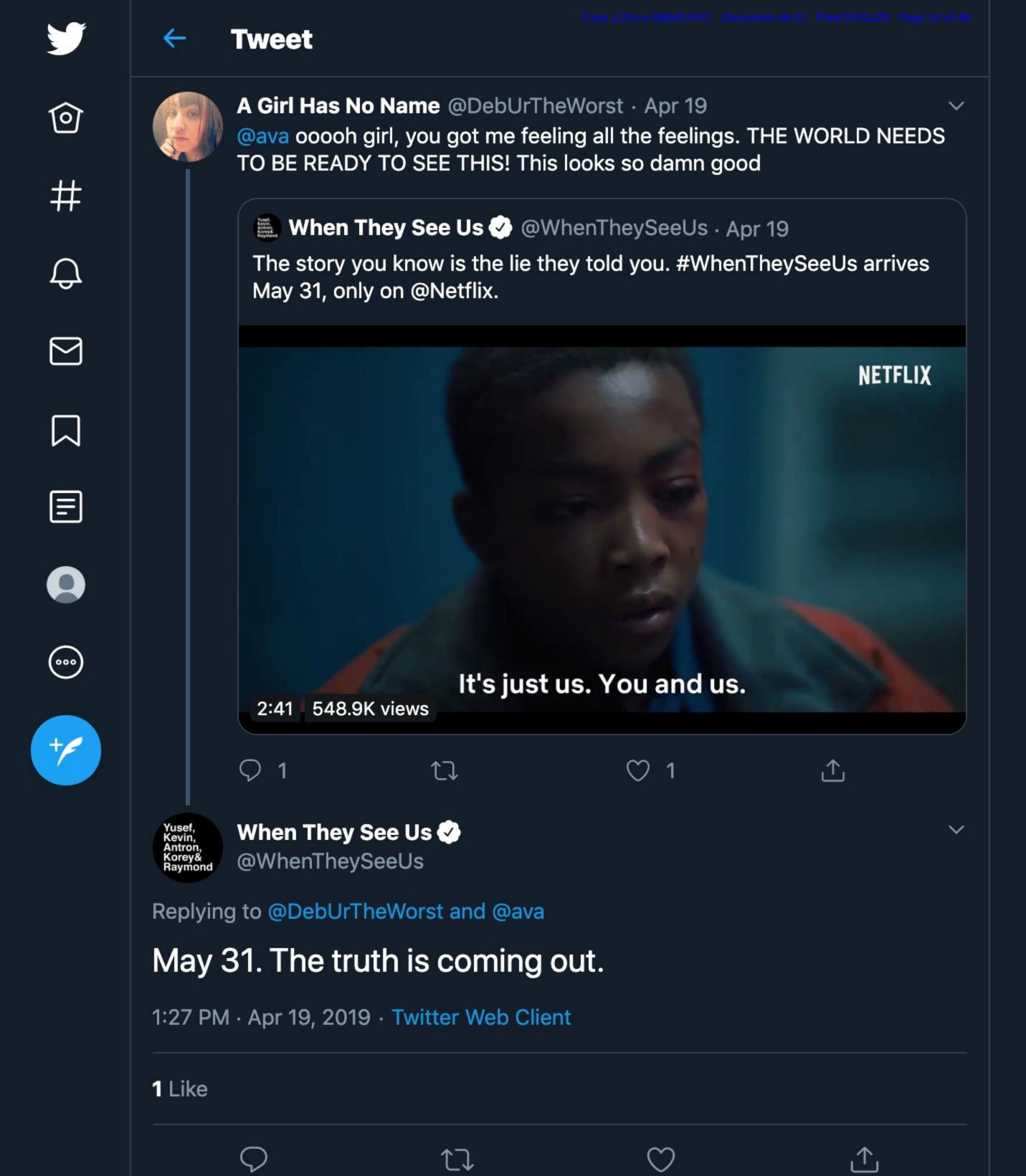
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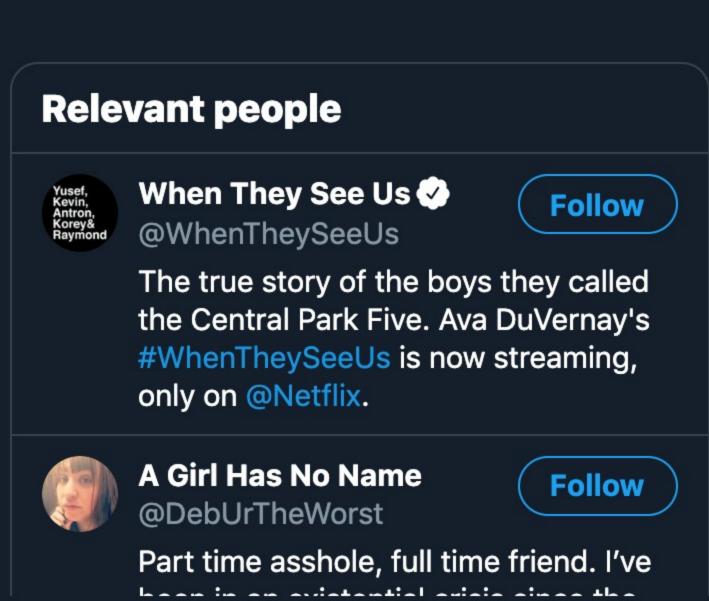


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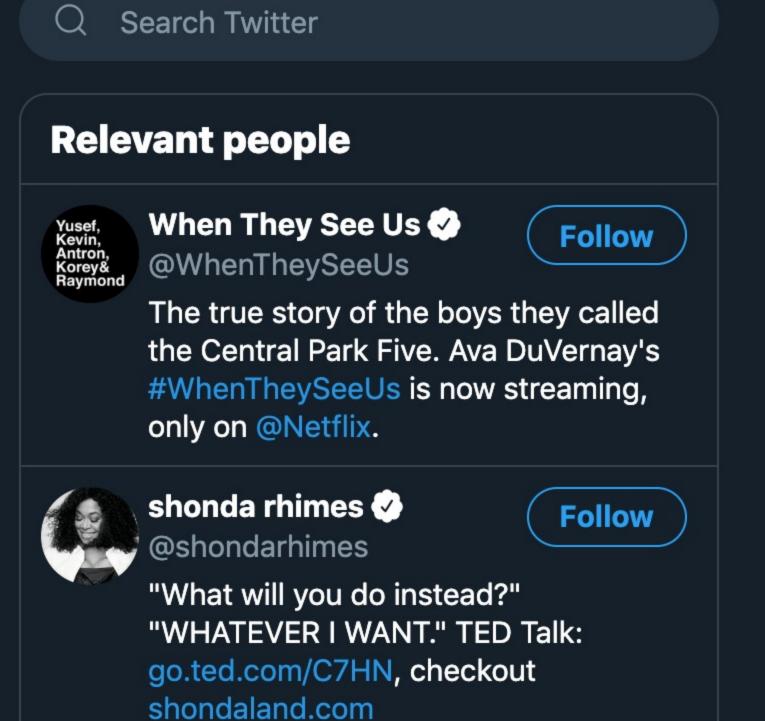


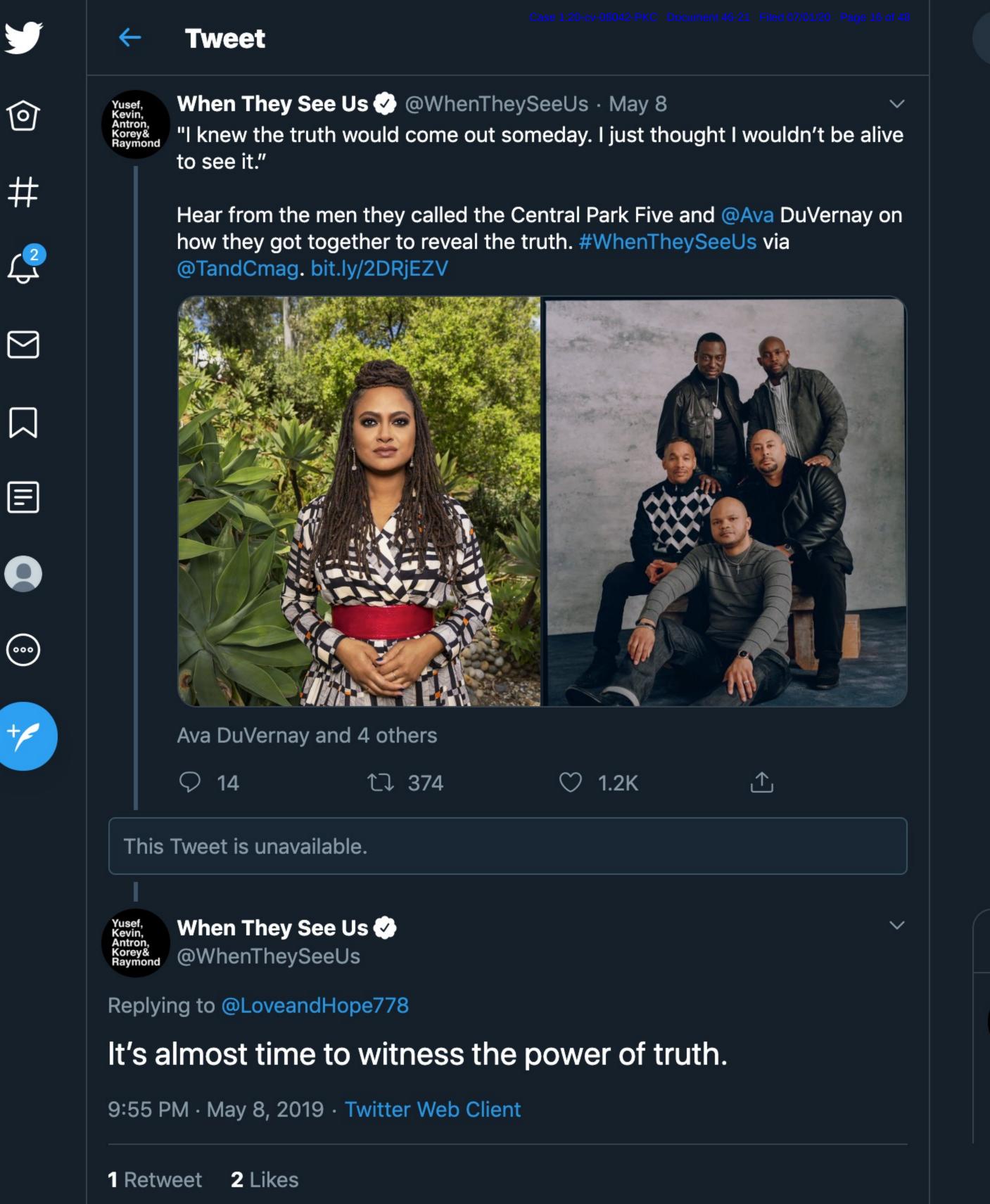




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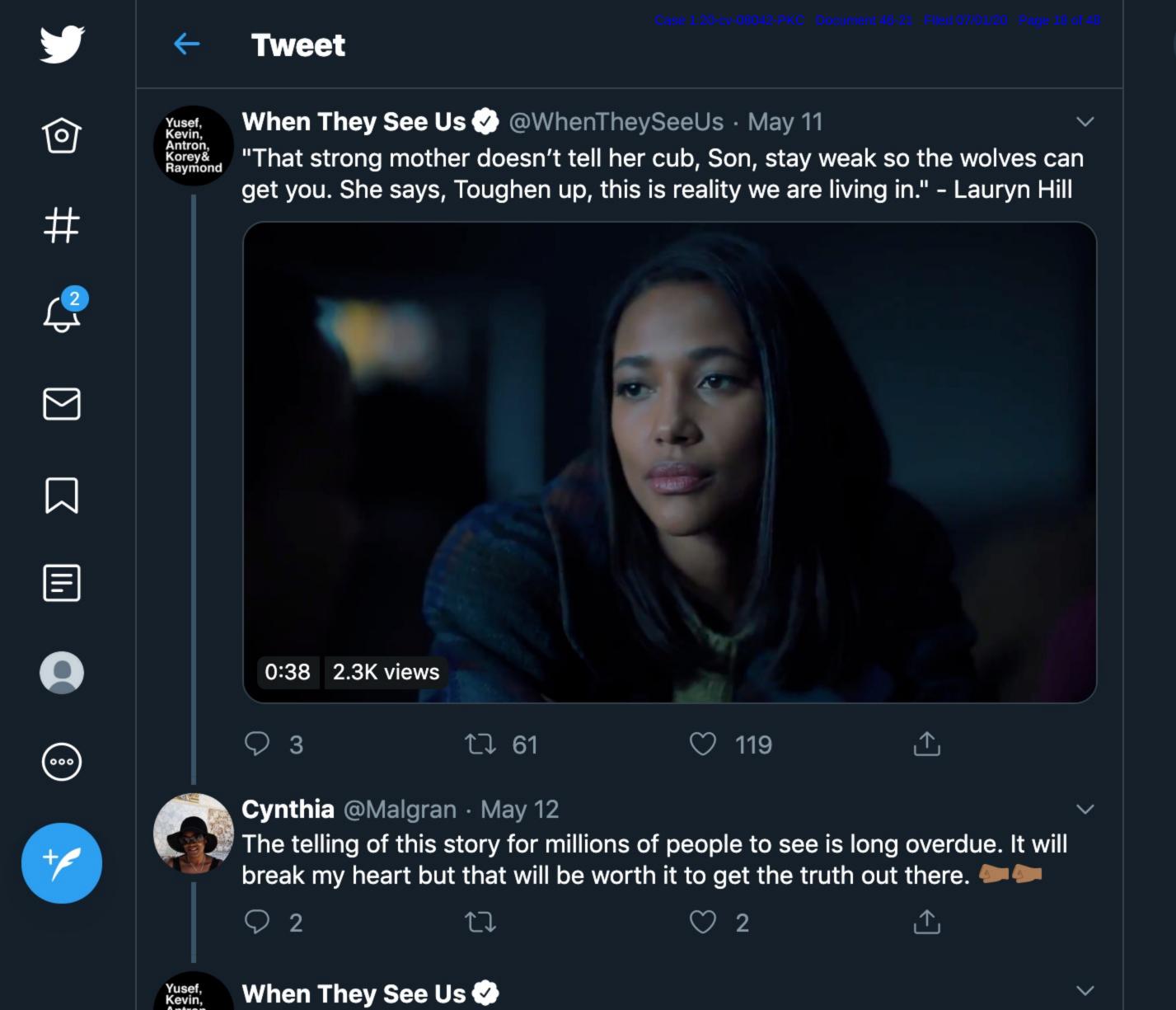
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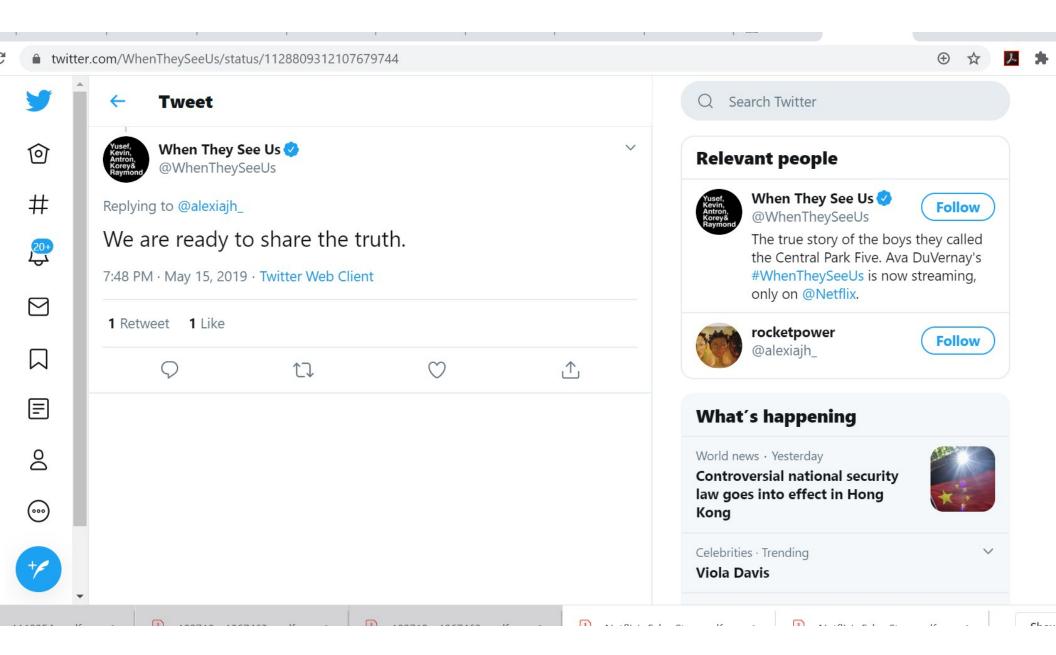


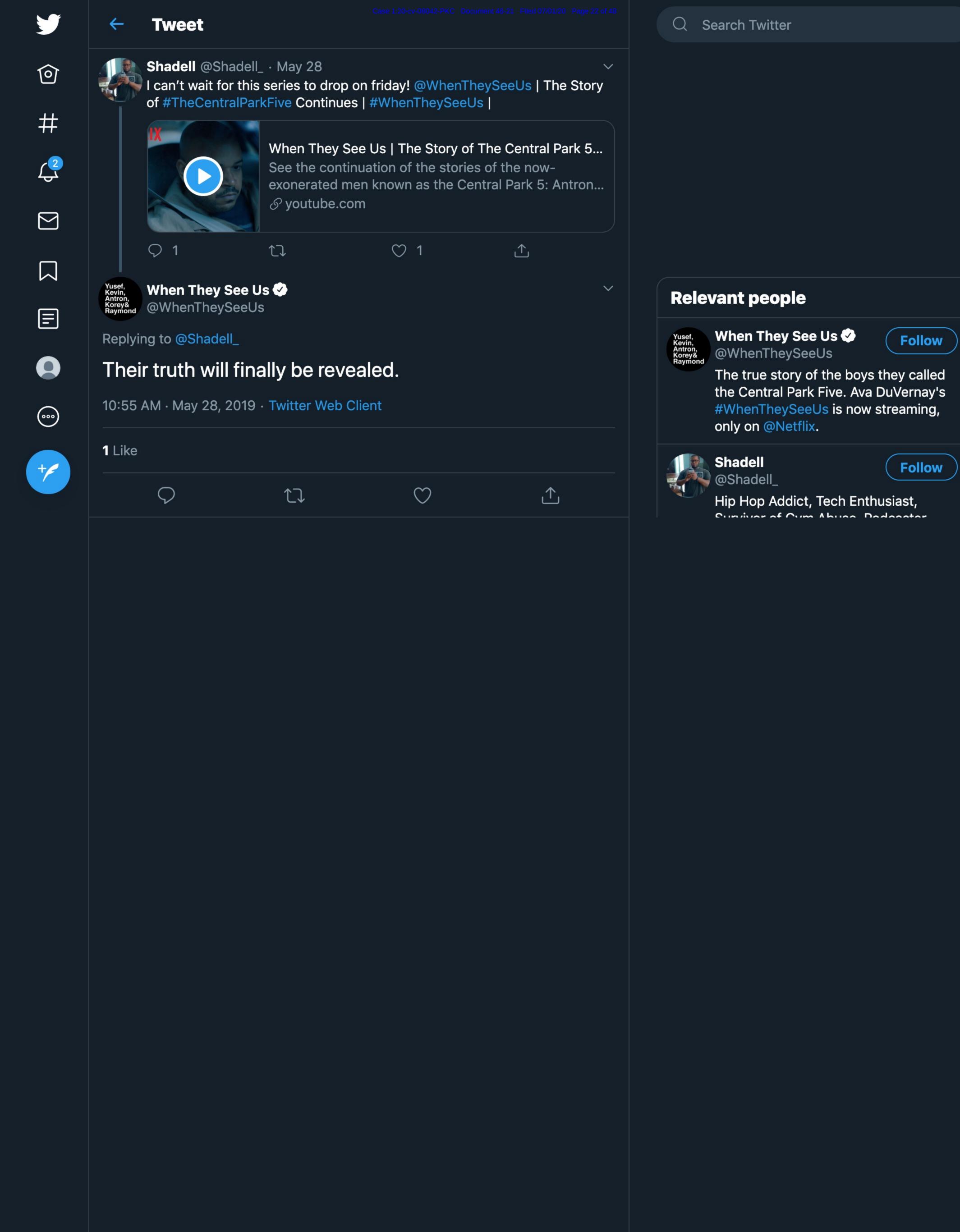
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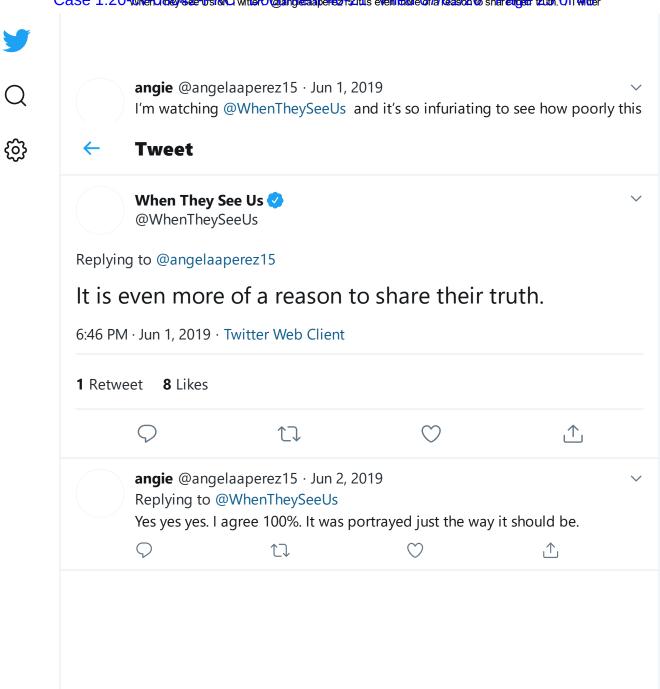
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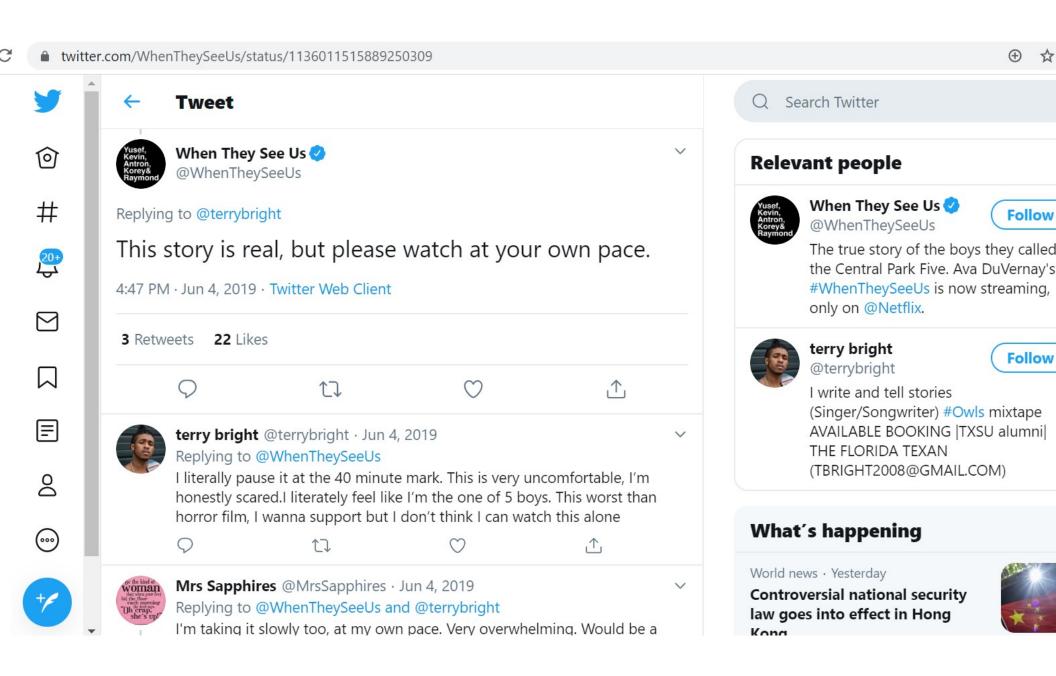


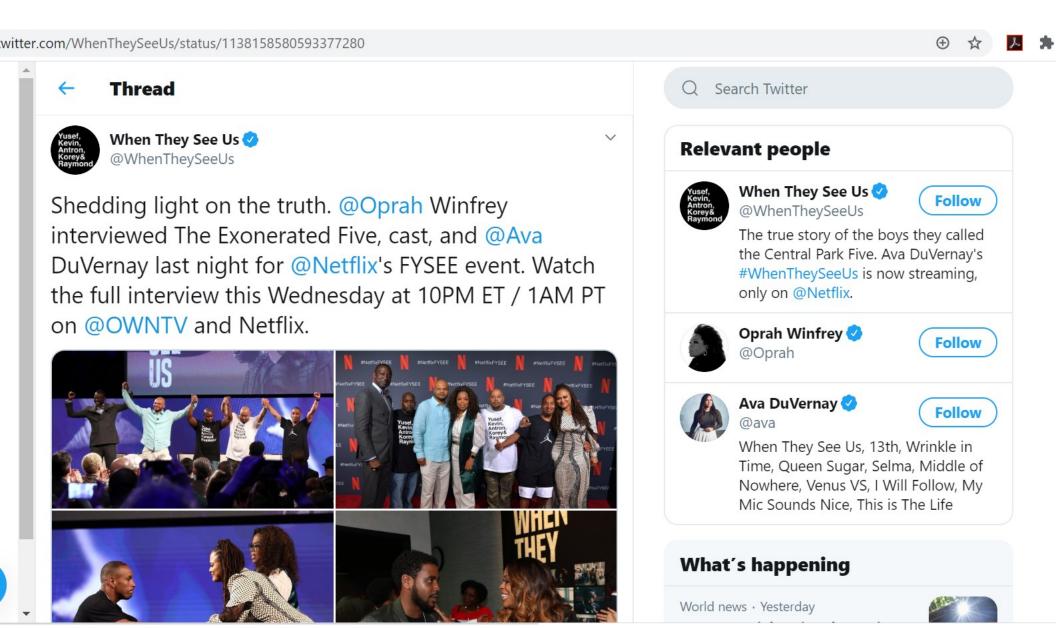
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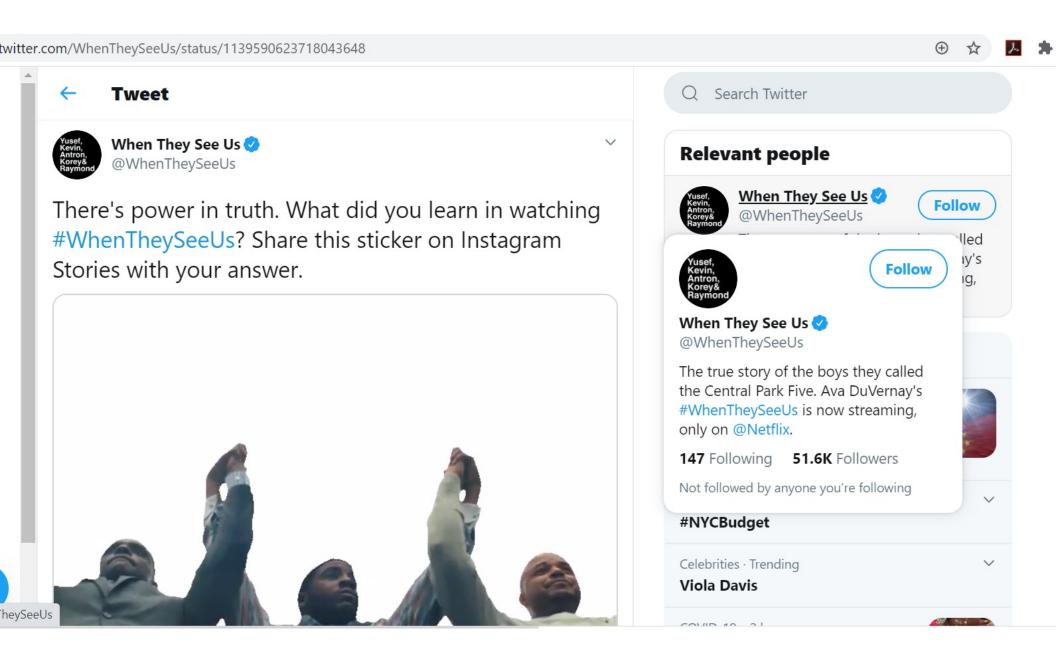
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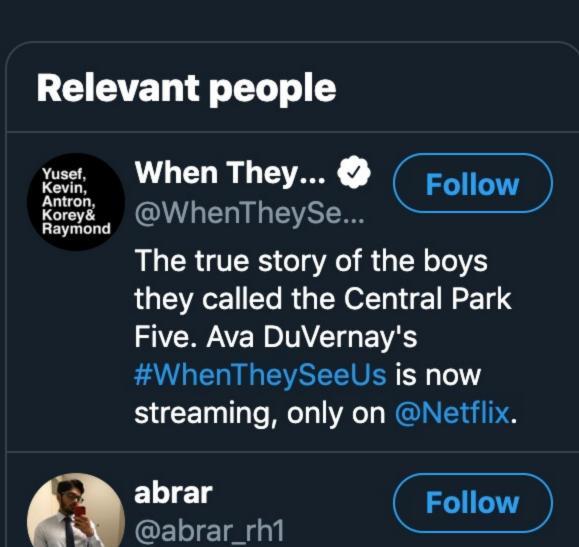
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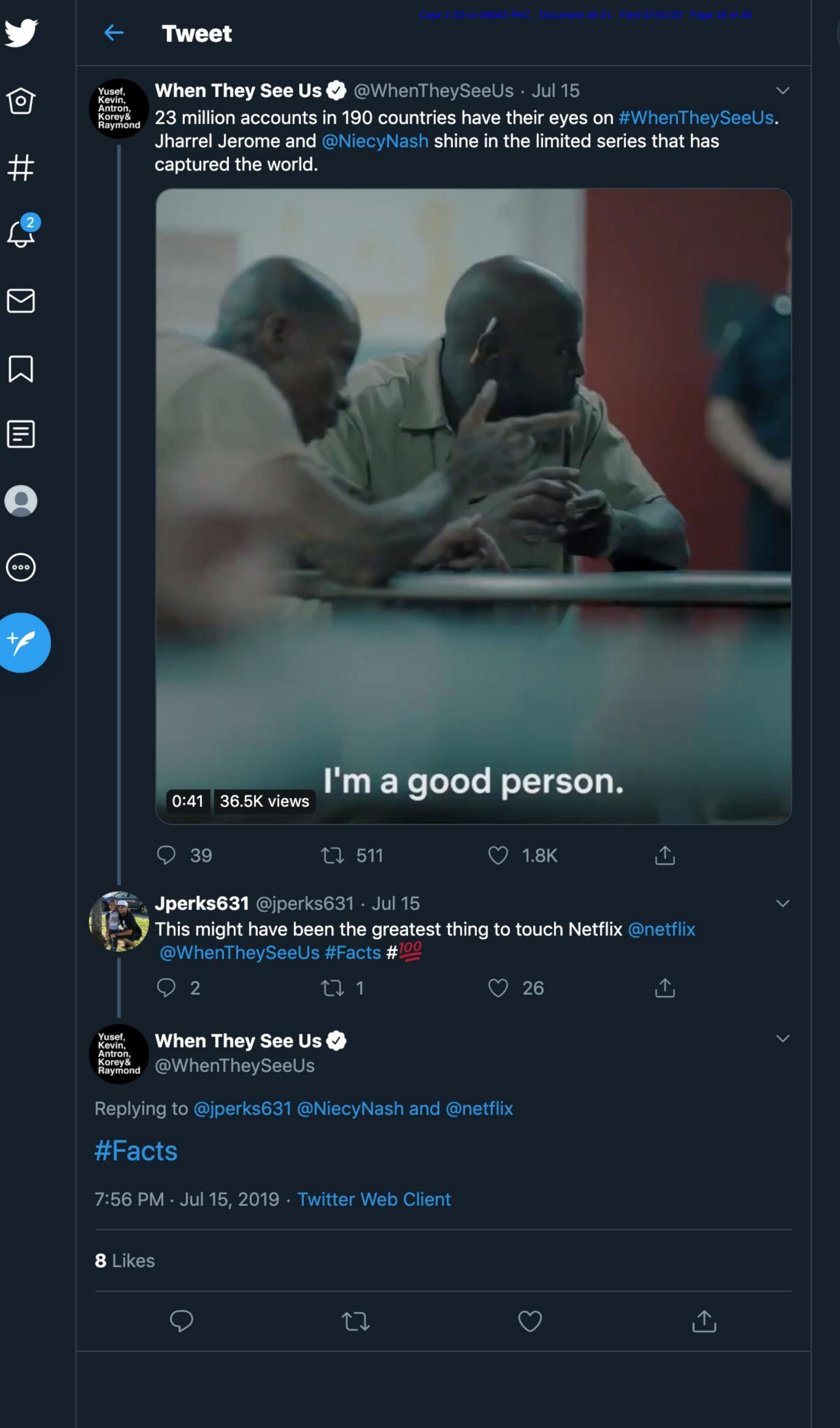






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When They See Us and Chernobyl Prove Truth is Stronger than Fiction

How showrunners are excavating history's darkest hours for surprising hits we may as well call Must-Endure TV.

BY JOY PRESS AUGUST 28, 2019

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When They See Us and Chernobyl Prove Truth is Stronger than Fiction | Vanity Fair Case 1:20-cv-08042-PKC | Document 46-21 | Filed 07/01/20 | Page 30 of 48



DOOM DAYS Scenes from Netflix's When They See Us, with, from top, Aunjanue Ellis and Ethan Herisse, Asante Blackk, and Marquis Rodriguez; and HBO's Chernobyl, with Jared Harris and Emily Watson. PHOTO ILLUSTRATION BY CRISTIANA COUCEIRO; PHOTOGRAPHS BY LIAM DANIEL/HBO (CHERNOBYL), FROM THE NEW YORK DAILY NEWS/GETTY IMAGES (NEWSPAPER), BY ATSUSHI NISHIJIMA/NETFLIX (WHEN THEY SEE US), ANDERSEN OYSTEIN/GETTY IMAGES (SMOKE), JEAN-LUC PETIT/GAMMA-RAPHO/GETTY IMAGES (CHERNOBYL PLANT).

raig Mazin did not expect *Chernobyl* to become one of this year's buzziest TV dramas. A historical tale about the aftermath of the 1986 Soviet nuclear explosion, the HBO miniseries derives its drama from bureaucratic malfeasance and features oozing wounds and some of the most drab decor seen on TV since the actual '80s. Mazin laughs at the memory of pitching a show that, as he puts it, "begins with a hanging, will not have any romance or sex, and is about science and history!"

It's not like Mazin had a reputation for making gritty, realistic drama; he's best known for his screen writing on the *Hangover* sequels. But on *Chernobyl*, he intentionally avoided easy resolutions or concessions to sentimentality. In the real world, the central figure in the story—Valery Legasov—had a wife and family. But the nuclear physicist played by Emmy-nominated Jared Harris does not. The golden rule of the production, Mazin says, was to always "go for the less dramatic, less sensational version." That

meant no scenes of kids whimpering, "Please don't do it. Please don't go!"

Ava DuVernay took similar care with *When They See Us*, her devastating four-part Netflix series about the five East Harlem teens unjustly accused of raping a jogger in Central Park in 1989. Antron McCray, Yusef Salaam, Raymond Santana, and Kevin Richardson spent years in juvenile facilities; Korey Wise, who, at 16, was older than the others, spent more than a decade in adult prisons. All five were exonerated in 2002. Although the case had been written about extensively at the time, the men felt the story needed to be viewed from their perspective. "There was so much more to it, and I wanted to tell it for them," DuVernay told *VANITY FAIR* this spring. She chose a title for the series that sidestepped their previous tabloid moniker, the Central Park Five, instead emphasizing the boys' need to be humanized and "seen."

HBO says that up to 12.2 million American viewers have watched *Chernobyl* on its various platforms since the miniseries began airing in May. It earned 19 Emmy nominations, including for outstanding limited series. Meanwhile, *When They See Us* landed 16 Emmy nods and—while Netflix's internal numbers are impossible to verify—has been watched by more than 23 million accounts around the world, according to DuVernay, who tweeted, "Imagine believing the world doesn't care about real stories of black people." Those are staggering numbers amid the superhero and fantasy franchises that dominate contemporary pop culture, inviting us to exit our dismal reality for a few hours of glittery escape. The success of *Chernobyl* and *When They See Us* suggests that there is a serious appetite for seriousness out there—and a surprising willingness to bear witness to such epic, real-life tragedies.

So where did this burgeoning genre—call it Must-Endure TV—come from? DuVernay and Mazin both grew up in an era when historical miniseries such as *Roots* and *Holocaust* were major cultural events that pulled Americans into mass seminars on our darkest historic crimes. But many in the industry cite *American Crime Story: The People v. O.J. Simpson*, Ryan Murphy's 2016 FX true-crime drama, as the flash point of our most recent iteration. With *The People v. O.J. Simpson*, followed by *The Assassination of Gianni Versace*, Murphy injected the history genre with a heady dose of true-crime gaudiness, resulting in a perfectly calibrated blend of the sober and the salacious.

There's also HBO's role as reliable purveyor of nonfiction-based scripted miniseries, from 2001's *Band of Brothers* to 2015's *Show Me a Hero*, as well as political movies like *Game Change* and *Confirmation*. Its latest limited series, *Our Boys*, premiering in August, is based on real events surrounding the 2014 abduction and murder of three Jewish teens in the West Bank, which spiraled into war in Gaza. The network's commitment to such awards-friendly reenactments only burnishes its high-end brand. As the streaming race heats up, some competitors are finding that they are a good way to stand out in the ever more crowded marketplace. Among the recent examples are Hulu with *The Looming Tower*, Showtime's Roger Ailes drama, *The Loudest Voice* (based on the reporting of *VANITY FAIR* special correspondent Gabe Sherman), and Netflix's forthcoming limited series *Unbelievable*, based on the Pulitzer Prize-winning ProPublica article "An Unbelievable Story of Rape."

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When Murphy sketched out American Crime Story, FX boss John Landgraf instantly grasped the appeal of reappraising events

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embedded in America's collective consciousness. "You have the opportunity to build a deeper emotional and historical context that allows you to penetrate the surface of the story," Landgraf told me. FX's next foray into history, the limited series *Mrs. America*, will zoom in on the ferocious battle around the Equal Rights Amendment in the 1970s. Cate Blanchett stars as Phyllis Schlafly, the anti-feminist activist who ultimately derails the campaign's momentum. To Landgraf the moment has a "direct bearing on the political climate in which we find ourselves today."

With historical dramas, Landgraf says his goal is to find "the overlap in the Venn diagram between what audiences will enjoy watching and what has genuine artistic or humanitarian merit. It's a wonderful thing when any creator, any broadcaster can sort of find that place where it's not homework to watch something, yet it has an enormous amount of artistic or educational value."

HARD CORE

A scene from *Chernobyl*'s penultimate episode.

COURTESY OF HBO.

he recent documentary boom and the popularity of high-end true-crime series have also smoothed the way for this historical-drama trend, alerting Hollywood to the pull of real-life stories told well. One industry insider told me that in the wake of Netflix's *Making a Murderer* and HBO's *The Jinx*, the industry had an "oh my God" moment regarding real-life stories—even better if those stories have a pre-primed audience.

"The biggest issue that faces us right now is not getting shows made but getting people to pay attention to them," the insider says.

"The majority of our members watched at least one documentary in the past year," says Cindy Holland, vice president of original content at Netflix. "So we know they're really drawn to true stories." Holland felt confident that viewers who binged on *Making a Murderer* or viewed 13th (DuVernay's documentary about America's prison system) could be lured into watching dramatized tales of injustice. Although *When They See Us* is an emotionally battering experience, Holland says, "you empathize or sympathize with these characters and you can't turn away from those faces."

Susannah Grant, who wrote *Erin Brockovich* and *Confirmation*, recently collaborated with executive producer Sarah Timberman on *Unbelievable*, revolving around the true story of Marie, an 18-year-old (played by Kaitlyn Dever) charged with lying about being

raped.

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"There's such hunger for stuff that will address issues of national, international importance with a really good, compelling, dramatic take," says Timberman. The series follows the two female detectives (Toni Collette and Merritt Wever) who unraveled the case, adding a slightly more upbeat note of strength and resilience. "Nobody wants to watch anything 100 percent devastating," says Grant.

The project began before #MeToo went mainstream, but the story seems freighted with even deeper resonance in its aftermath. Bringing it to Netflix required enormous sensitivity—both onscreen and behind the scenes. "You want to be respectful of the lives that your characters are inspired by, of course," Grant says. "But also, [on set] it's just been really important to us to be really mindful because it's very charged stuff." During the shooting of one particularly difficult scene, she recalls, one of the women on her team dissolved in tears, confessing, "I underestimated how this would affect me. I've been in this bad situation."

"WHAT ATTRACTED ME IN THE FIRST PLACE WERE THE FACTS."

True-life dramas have to strike a delicate balance between historical reality and narrative form. Details sometimes need to be reshaped to make them TV-friendly; multiple people may be condensed into a single character for the purposes of dramatic efficiency. Michael Starburry faced these kinds of challenges when he cowrote the finale of *When They See Us*. The episode focuses on Wise (Emmy-nominated Jharrel Jerome) and his nearly 14-year journey through the adult prison system. We glimpse Wise's terror and despair, as well as the violence he experienced at the hands of inmates. Starburry knew he had to stay true to "the spirit of the story" while ensuring that viewers digested it. "Some of the things that happened to Korey we did not write out of respect for Korey," he says somberly. "Some of those moments...they're not for mass consumption."

Squeezing Wise's ordeal into less than 90 minutes of screen time required the writers to make tricky consolidations. For instance, the kind prison guard named Roberts (Logan Marshall-Green), who gives Wise magazines in solitary confinement, is a composite character. "One of my favorite moments in that episode is when [Roberts] talks about how he has a son himself and he would just want to know that if the son was in that situation he was being treated like a human being," Starburry says. He wanted to remind the audience: "[Korey] is someone's kid."

While audiences seem to understand that there's necessarily an accuracy gap between factual documentary and dramatized TV, it has led some to become amateur researchers. I was one of many viewers who took to Google to read more about Central Park Five prosecutor Linda Fairstein—who was dropped by her book publisher in the aftermath of *When They See Us*—and to find details of the Chernobyl nuclear-plant meltdown, since the events in the series often seemed too outlandish to be real. Did cleanup squad members really have just 90 seconds each to rush out onto the nuclear plant's rooftop and shovel chunks of radioactive graphite over the edge? (They did.)

"What attracted me in the first place were *the facts*," Mazin says. "The decisions people made for better or for worse, the sacrifices people made for better or for worse...I built the story around the facts, I didn't try and shove facts into a story I preferred to tell." Mazin had a small team of people helping him fact-check the series. Later, HBO had its own researcher dig through the scripts for

legal reasons—a bracing wake-up call. "You have to really justify everything you're doing," Mazin says. "And we did. In the end, I came to really love that part, because as the kids say, 'I had the receipts.'"

Chernobyl hinges on the lies that the Soviet government told to downplay the immense damage to the nearby population and environment, as well as the very real risk of global consequences, in order to preserve the USSR's image as a superpower. When a narrative's central subject is the importance of truth, that puts extra pressure on its writers. Just how far can you stray from how things went down for the sake of dramatic impact? Mazin decided the solution was transparency: He recorded an accompanying podcast revealing details behind the fictionalized version onscreen and making more explicit connections between what happened in 1986 and our current political moment, with its "fake news" hysteria and looming climate change apocalypse.

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Mazin thinks that in recent years, people have become aware that there's a steep price for not paying attention. "Of all the many commendable things about Ava DuVernay's *When They See Us*, one of the most commendable is the title," he says. "There's something about being *seen*, and particularly, looking at people and events that otherwise you wouldn't have looked at."

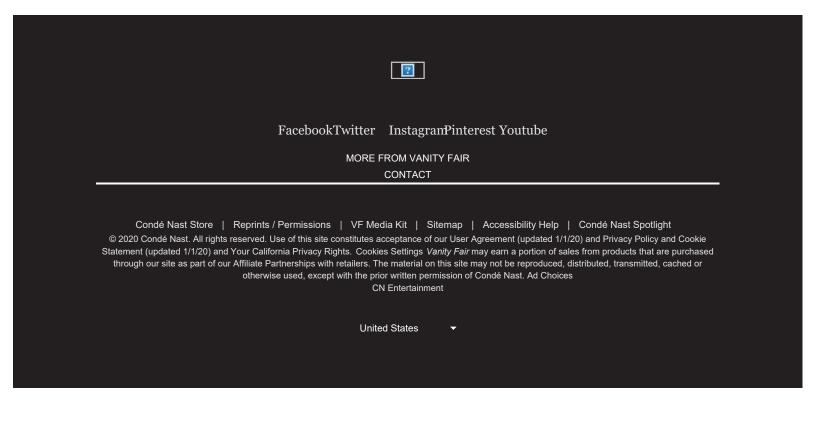
It's probably no coincidence that many of the historical reappraisals currently in the pipeline hinge on people of color, women, or LGBTQ+ characters—those shoved to the margins of history books and, too often, television as well. "I think there's been much more interest in more underrepresented audiences," says Netflix's Holland. Upcoming examples include AMC's horror series *The Terror: Infamy,* which is fictional but is set in America's Japanese American internment camps during World War II, and *The Infiltrators,* a scripted series about undocumented immigrants that Blumhouse Television is developing based on a documentary of the same name.

Still, as Mazin points out, "Not all history is created equal. Some things have happened in history that were remarkable for their impact in the moment. Other things happened that maybe were passed over in the moment and only now do we realize how important they were." He believes there are urgent lessons to be learned from an incident like Chernobyl: "We are living in the moment before the button gets pressed and the reactor explodes. The question is, will we do what needs to be done so that it doesn't explode?"

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"MESSAGE FROM AVA DUVERNAY ABOUT #WHENTHEYSEEUS – CENTRAL PARK FIVE"

Jun 5, 2019

Ava DuVernay here. I'm a filmmaker who created and directed *Selma*, *13th*, *Queen Sugar*, *Wrinkle In Time* and now *When They See Us*.

When They See Us is a four-part film with a stellar cast that chronicles the case of the men commonly known as The Central Park

Five. The story we tell will transport you to New York City in 1989 and follow five Black and Latino teenagers who are falsely accused, convicted and imprisoned for a rape that they did not commit.

When They See Us is a love letter to these men, whose childhoods were stolen by this harrowing case. It is also a love letter to the millions of boys and girls of color who are presumed guilty on sight. My goal is to shed light on the inequities and the bias that makes a case like this possible. We explore a travesty of justice laid bare. We chronicle a broken system fueled by politics, profit and inaction. **But we can and should take action.**

I've been partnering with Color Of Change for years. Their "Winning Justice" campaign is rallying Black communities to come together and set the agenda for a new wave of prosecutors. Prosecutors have more power than anyone else in the system to fix the system. And in a dozen cities, thanks to many of you, we now have prosecutors being measured by their commitment to justice rather than by how many people they put in prison. I'm hoping you'll watch When They See Us and be moved to discuss and interrogate the the current criminal system of injustice. But I also hope you don't stop there.

Here's how you can make your voice heard:

Visit Winning Justice to join campaigns to stop over-policing and racial profiling in our communities

- to reform our bail system so people's freedom is not determined by how much they can pay for it;
- to treat children in the system like children and not criminals;
- to hold prosecutors accountable for wrongful conviction

And so much more.

You really can make a difference.

Onward,

Ava DuVernay

Color Of Change is building a movement to elevate the voices of Black folks and our allies, and win real social and political change. Help keep our movement strong.

THE PROGRESSIVE VOICE FOR JUSTICE REFORM



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Who's the Villain in 'When They See Us'?

The fallout from Ava DuVernay's Central Park Five miniseries should focus not on just its flesh-and-blood villains, but look at the failures of the system at large

By

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The fallout from the new miniseries 'When They See Us' should focus on the invisible villains, not just the human ones.

Atsushi Nishijima/Netflix

The fourth and final chapter of Ava DuVernay's acclaimed Netflix miniseries When They See Us is entirely about the prison ordeal of Korey Wise, the oldest member of the Central Park Five. He had a vastly different experience than the other four boys after their conviction for the brutal 1989 rape and assault of Trisha Meili, solely because he was the only one old enough to go to prison with adults. Wise served 12 years in prison — five years longer than any of the others — before their eventual exoneration in 2002. But as painful as it may be to watch the actor Jharrel Jerome portray what Wise endured, think of what happened to Kalief Browder as you do it.

Both boys were 16 years old when they were arrested in New York City: the Harlem resident Wise in 1989; Browder, a generation later in 2010, up in the Bronx. Browder was on his way home from a party when he was stopped, frisked and accused of the theft of a backpack. Unable to afford the bail, Browder was thrown into the notorious Rikers Island prison to await a trial that never came. The 16-year-old would spend more than 1,000 hellish days there, most of them in solitary confinement. It changed him for the worse, injuring his mental health irrevocably. June 6th was the fourth anniversary of his suicide.

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"A thread that ties the Central Park Five to Kalief Browder to the vast majority of people jailed in New York today is the way the system preys on black and poor communities," Rena Karefa-Johnson, an organizer for the lobbying group FWD.us, tells *Rolling Stone*. "Today, 88% of the people on Rikers Island are Black or Latinx."

When They See Us is receiving attention nationwide, and Browder's fate should be a part of the activist conversation stemming from it. It isn't just that both he and Wise experienced Rikers Island as teenagers, or experienced the torture that is solitary confinement. It is that the fallout since Netflix premiered it on May 31st has focused a bit too heavily on the story's human villains rather than its invisible ones. I understand why. I am just a hair younger than the Central Park Five. I remember all of it: seeing the faces of boys who looked like me and my friends, saddened and scared, knowing that no one powerful was there to tell their stories — in that police station or on television. I remember not just the boys, but the (mostly) white people in charge who put them away.

Just days after the attack, Donald Trump — then a flamboyant real-estate mogul — placed inflammatory newspaper ads calling for the death penalty for the five boys. But in lieu of Trump — who is not depicted by an actor and is barely mentioned in the series — the anger spilling from viewers is being aimed at Linda Fairstein, perhaps the most conspicuous villain of the story. Fairstein, now 72, was in 1989 the chief of the Sex Crimes Prosecution Unit in the Manhattan District Attorney's office, the inspiration for

the enduring NBC series *Law & Order: Special Victims Unit*. In the miniseries, Felicity Huffman portrays her as obsessed with pinning the crime on the five boys, no matter what blatant abuses of power or utter falsehoods are required to make her narrative work. Though she has objected to her portrayal in *When They See Us*, in the real world, Fairstein remains unapologetic about the treatment of the Central Park Five, despite their exoneration and DNA proof connecting a confessed serial rapist to the attack. The release of the miniseries has brought some overdue karma for Fairstein — who, as author and filmmaker Sarah Burns notes in her book about the Central Park Five, was even considered by President Bill Clinton to be his Attorney General. The *New York Times* reported that Fairstein has resigned from the boards of several organizations, including her alma mater, Vassar College. *Glamour* magazine all but rescinded its 1993 honor in which it had named her one of its "women of the year." Now a successful crime novelist, petitions circulated calling for publishers to drop her.

The civil rights organization Color of Change put out one of those petitions, calling upon publishing houses Simon & Schuster and Penguin Random House to #CancelLindaFairstein. It worked; on Friday, Dutton, the Penguin subsidiary that put out Fairstein's 2019 title, *Blood Oath*, announced that it has "terminated its relationship" with her. But, as director Rashad Robinson emphasized in an interview with *Rolling Stone*, the retribution could not be the only outgrowth of activism from the miniseries.

"There is a Linda Fairstein in every city. The public must expose them, and hold them accountable for their actions as pawns in this unjust system — we're focused on driving accountability for prosecutors at a systemic level," Robinson says, noting that there are 2,400 prosecutors in the United States and nearly 80% run unopposed. DuVernay herself is working with one of those campaigns, Winning Justice, producing short video ads for the organization. "She's using the entertainment industry to lend a voice to black and brown people, those whose stories have been deliberately excluded from the public discourse," Robinson added. "She is using her power to unite us and inspire action." Another of those Color of Change endeavors, though, involves ending money bail. "No one should have to stay in jail because they lack the money to buy their freedom," Robinson says. It is yet another connecting thread between the Browder case and the Central Park Five. Karefa-Johnson, whose work focuses largely on bail reform, noted that New York recently passed a historic package of pretrial reforms, including a bail reform package that, save a few exceptions, takes money bail and pretrial jailing off the table for people charged with most misdemeanors and nonviolent felonies. A positive step, no doubt — but those five boys in 1989 would have still been stuck in that police station, even under these new rules.

Karefa-Johnson notes that not everyone has the courage and fortitude of a Kalief Browder, who refused to plead guilty and instead waited almost three years in jail while his case crawled through the system. DuVernay's dramatization of the Central Park Five story allows us to see just how the system preys on those understandable weaknesses: a father who convinces his son to lie because his own job is threatened by a cop; a family exploited due to a language barrier; a single mother whose son is interrogated without

her permission. It may look like conspiratorial fantasy to those inclined to lionize law enforcement or the judicial system, perhaps because it has always worked for people who look like them.



A Protester Holds a Picture Kalief Browder, October 24th, 2015.

Peter Foley/EPA/Shutterstock

"Ending senseless pretrial jailing will go a long way in restoring the presumption of innocence for folks most likely to be denied it, particularly black people," Karefa-Johnson says. "By eliminating money bail entirely and making pretrial freedom the rule, the accused will have a more meaningful chance to fight their cases, be less vulnerable to being railroaded by prosecutors and will not be subject to the horrors of incarceration based purely on accusations."

"Ending money bail" may not be as alluring a catchphrase as #CancelLindaFairstein, but it needs to catch on as more and more watch *When They See Us.* Fairstein can end up broke and shunned by society, and it wouldn't save another black boy from ending up like Browder, Wise, Antron McCray, Kevin Richardson, Yusef Salaam, or Raymond Santana. It wouldn't save their families from the expense of having to mortgage everything they have to save their loved ones from a criminal justice system determined to ensnare them over something that they probably didn't even do. This is a reality that we black and brown folks will continue to live in, no matter how what happens to Fairstein's books or her bank account. She has her reckoning coming, no doubt. But the best revenge still looks like reform.

The New Hork Times | https://nyti.ms/2wG0aDq

Linda Fairstein, Once Cheered, Faces Storm After 'When They See Us'

A Netflix series about the Central Park jogger case has led to intense criticism of the famous prosecutor-turnednovelist who oversaw the investigation.

By Elizabeth A. Harris and Julia Jacobs

June 6, 2019

For much of her life, Linda Fairstein was widely viewed as a law enforcement hero.

As one of the first leaders of the Manhattan district attorney's sex crimes unit, later the inspiration for "Law & Order: Special Victims Unit," she became one of the best known prosecutors in the country. She went on to a successful career as a crime novelist and celebrity former prosecutor, appearing on high-profile panels and boards.

But since last Friday and the premiere of "When They See Us," Ava DuVernay's Netflix series about the Central Park jogger case, Ms. Fairstein has become synonymous with something else: The story of how the justice system wrongly sent five black and Latino teenagers to prison for a horrific rape.

[Update: Linda Fairstein dropped by her publisher after series on Central Park 5.]

Ms. Fairstein ran the sex crimes division when, in 1989, a white woman jogging in Central Park was viciously raped, beaten, and left for dead. In the four-part series, Ms. Fairstein's character is shown as the driving force in the case, urging on a prosecutor who had doubts and finding ways to explain away facts that pointed to the teens' innocence.

In the last few days, online petitions and a hashtag, #CancelLindaFairstein, have called for a boycott of her books and her removal from prominent board positions. After a barrage of criticism directed at her on Twitter, she took her own account down. And she resigned this week from the boards of several organizations including Safe Horizon and the Joyful Heart Foundation, which aid victims of sexual violence, and Vassar College, her alma mater.

Back in 1993, Glamour named her one of its women of the year. But on Tuesday, it published a letter from the editor saying, "Unequivocally, Glamour would not bestow this honor on her today."

Ms. Fairstein's conduct during the case has been a matter of intense debate and criticism since a man named Matias Reyes surfaced in 2002 to confess that he committed the crime. Ms. Fairstein continued to write books and serve on important boards even after the convictions were overturned, as the case faded into memory for many.

But the Netflix series has placed the prosecution back on center stage, where the power of television's narrative focus, the lightning speed of online reaction and the villainous characterization of Ms. Fairstein have made her a target of public outrage.

[A reporter reflects on the true story of the Central Park Five.]

The series is a dramatized account based on the experiences of the "Central Park Five" — Korey Wise, Kevin Richardson, Raymond Santana, Antron McCray and Yusef Salaam. They went to prison for several years before being cleared, and in 2014 the de Blasio administration settled their lawsuit against the city for \$41 million, while admitting no wrongdoing on the part of investigators.

Mr. Reyes's confession exposed the deep flaws in the way Ms. Fairstein's unit had handled the case. No forensic evidence tied the teenagers to the crime and prosecutors relied on contradictory confessions that the teenagers said were coerced. The DNA evidence pointed to another perpetrator — unknown at the time, and who turned out to be Mr. Reyes — but investigators never pursued other lines of inquiry, heedlessly assuming they were right.

But was the real-life Ms. Fairstein as scheming as the TV version? (She is played by Felicity Huffman, who was arrested in the college admissions scandal after filming was complete.) The script took liberties with dialogue and timing of events, a use of artistic license that Ms. Fairstein's defenders describe as unfair, and her detractors embrace as in broad keeping with the injustice that ensued.

Jonathan C. Moore, a lawyer who represented four of the five men in their lawsuit, said while "we don't know for sure what she was saying to the prosecutors or to the detectives," her depiction in the series "captures the essence of who she was."

But Ms. Fairstein, 72, called it "grossly and maliciously inaccurate," as she put it in her resignation letters to several boards.

"The truth about my participation can be proved in the pages of public records and case documents," she said in her letter to the chairman of Vassar's board. "But that has not been apparent to those embracing the mob mentality that now dominates social media, any more than it was considered by the rashly irresponsible filmmaker."

Ms. DuVernay was unavailable for comment, a representative said on Wednesday.



Felicity Huffman as Linda Fairstein in the Netflix series "When They See Us." Netflix

Until the convictions were overturned, Ms. Fairstein had been widely respected as a law enforcement pioneer. The Manhattan sex crimes unit was the first of its kind in the country, and Ms. Fairstein was made its chief in 1976, two years after its creation.

She ran that department for 25 years, and of the thousands of investigations she oversaw, including the Robert Chambers "preppy killer" case, which ended with his guilty plea for manslaughter, the Central Park case was perhaps the most high profile.

5/13/2020

In 2002, a report by the Manhattan district attorney's office said that the convictions against the five should be vacated, and that there had been significant problems with the prosecution's case.

The report said statements by the five defendants "differed from one another on the specific details of virtually every major aspect of the crime — who initiated the attack, who knocked the victim down, who undressed her, who struck her, who held her, who raped her, what weapons were used in the course of the assault, and when in the sequence of events the attack took place." None of them accurately described where the jogger was attacked.

A dueling report, commissioned by the New York Police Department, found that no misconduct occurred during the investigation and said it was "more likely than not that the defendants participated in an attack upon the jogger." One of the authors of the report, Stephen L. Hammerman, was the top legal adviser for the police department at the time.

[The Central Park Five discussed "When They See Us" with their onscreen counterparts.]

Daniel R. Alonso, who was a colleague of Ms. Fairstein's at the district attorney's office, said that while "it's a terrible, terrible thing when someone gets wrongfully convicted," he did not believe the case should overshadow Ms. Fairstein's accomplishments.

"I think it's terrible to 'cancel' someone's entire career over one matter," he said, citing Ms. Fairstein's history of prosecuting rapists and lobbying for policies that benefit victims of sexual crimes.

The facts now forcing Ms. Fairstein into exile have been known for nearly two decades, and she has faced some backlash before. Last year, the Mystery Writers of America said that because of her role in the Central Park case, it would not present her with an award it had already announced was hers. (In 2013, a petition circulated online calling on Columbia University's law school to fire Elizabeth Lederer, the lead prosecutor in the case, who was an adjunct faculty member. She remains a lecturer there today.)

But the level of outrage seen in recent days has been different.

In Ms. DuVernay's emotional and intimate series, Ms. Fairstein comes off as the primary villain, with numerous lines depicting her as bent on railroading the young men.

"Every young black male who was in the park last night is a suspect in the rape of that woman," Ms. Fairstein's character says early on.

"So, there must have been another attacker," she says to Ms. Lederer in the second episode. "One must have gotten away."

"You honestly believe that?" a dubious Ms. Lederer asks.

"I do if it helps a jury believe what we know is true," Ms. Fairstein responds.

Among other liberties taken by the series was in its depiction of the beginning of the investigation.

The police and prosecutors are portrayed as immediately aware of discrepancies between the teens' confessions and the timing of the rape. But in reality the movements of the jogger, Trisha Meili, and the timing of her attack were not established until much later.

In a statement, a lawyer for Ms. Fairstein, Andrew T. Miltenberg, accused Netflix and Ms. DuVernay of "misrepresenting the facts in an inflammatory and inaccurate manner" and threatened to take legal action. (John C.P. Goldberg, a Harvard law professor and expert on defamation law, said that Ms. Fairstein's position as a public figure would make it difficult for her to win a defamation suit.)

Ms. Fairstein, shown in a 2014 portrait associated with her work as a crime novelist, has written more than 20 books but now faces an online petition calling for a boycott of her work. Katherine Marks for The New York Times

In an interview with The Daily Beast, Ms. DuVernay said she reached out to Ms. Fairstein before she wrote the script. She said she asked if they could have a conversation so Ms. DuVernay would have Ms. Fairstein's perspective in her head. According to Ms. DuVernay, Ms. Fairstein said she would sit down only if certain conditions were met, including approval over the script. Ms. DuVernay said no, and the conversation didn't happen.

Ms. Fairstein's lawyer disputed that account, saying that she "only requested that Ms. DuVernay take into account public records, transcripts, and written testimonies when writing her script about the Central Park Five."

Ms. Fairstein is also, in a way, still fighting with the five. Long after her office moved to erase their convictions, and essentially without any evidence beyond their problematic confessions, she and others involved in the investigation have maintained that the men probably played some role in the rape, which they deny.

Whether the reaction to her depiction in "When They See Us" will affect her writing career remains to be seen. Her success as a novelist is even addressed in the final episode.

Ms. Fairstein meets with Nancy Ryan, who wrote the district attorney's 2002 report. Ms. Ryan pulls out several of Ms. Fairstein's books and places them on the table in front of her.

"While you were writing crime novels," Ms. Ryan says, "Kevin, Antron, Yusef, Raymond and Korey were serving time for crimes they didn't commit."

Jim Dwyer contributed reporting.



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When They See Us Sparked a Boycott Against Central Park Five Prosecutor Linda Fairstein

#CancelLindaFairstein has led to the prosecutor-turned-novelist to be dropped by her book publisher, literary agency, and to step down from the boards of various nonprofits.

BY KATE STOREY JUN 7, 2019





n the first episode of the Netflix mini-series When They See Us, New York prosecutor Linda Fairstein, played by Felicity Huffman, sits in front of a map of Central Park as five teenage boys sit in the precinct. After a woman was brutally raped in the park, the authorities brought in those who they believed were in the vicinity.

But in a key scene about halfway through the episode, the focus of the conversation with Kevin Richardson, 15, Raymond Santana, 14, Antron McCray, 15, Yusef Salaam, 15, and Korey Wise, 16, changed.



"All this is happening in the park ... and it's not connected?" the Fairstein character says, looking at the times in which the boys were apparently in the park. "They're not witnesses. They're suspects."

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